

Appl. No. 10/623,798

### REMARKS

By this preliminary amendment, Applicant wishes to correct a number of clerical errors in the application. A description of these amendments is provided below.

#### *Information Disclosure Statement*

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on January 28, 2004. Applicant assumes that the printed initials on the form PTO-1449 returned with the current office action are intended to be an electronic signature indicating consideration of the cited document.

If this is not the case, Applicant respectfully requests that a copy of the form PTO-1449 be returned with the next paper in this case, properly indicating consideration of the cited document.

#### *Claim Objections*

The Examiner has objected to claims 11 and 26 based on a couple of informalities. In particular, the Examiner noted that claim 11 should depend from claim 10, and claim 26 should depend from claim 25.

By this response, Applicant has amended claims 11 and 26 as suggested by the Examiner. These amendments are being made solely to correct a problem with claim dependency, and not in response to an art rejection. Any narrowing amendment to the claims in the present amendment is not to be construed as a surrender of any subject matter between the original claims and the present claims; rather this is merely an attempt at providing one or more definitions of what the applicant believes to be suitable patent protection. The present claims provide the intended scope of protection that the applicant is seeking for this

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application. Therefore, no estoppel should be presumed, and the applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

Applicant therefore respectfully requests that the Examiner withdraw the objection to claims 11 and 26.

***Claim Rejections – 35 U.S.C. § 102***

The Examiner has rejected claims 1, 2, 12-15, 23, 24, and 27 under 35 U.S.C. § 102(b) as being allegedly anticipated by United States Patent No. 5,274,665 to Schilling ("Schilling").

Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution, and in no way acquiescing to this rejection, Applicant has amended claims 1 and 13 to better recite the claimed invention.

Applicant has amended claim 1 to recite that the first carrier frequency and the second carrier frequency are chosen such that a first phase of first chips in the first signal will drift with respect to a second phase of second chips in the second signal. Similarly, Applicant has amended claim 15 to recite that the first through  $k^{\text{th}}$  carrier frequencies are chosen such that a first through  $k^{\text{th}}$  phases of first through  $k^{\text{th}}$  chips in the first through  $k^{\text{th}}$  signals, respectfully, will drift with respect to each other.

Support for these amendments can be found, for example, in paragraphs [0320]-[0323] of Applicant's specification. This portion of the specification indicates that if two or more overlapping networks each have a slightly offset center frequency, the chipping phases of the networks will drift with time. This means that any significant interference between any two networks will fade away with time as the chipping phases of each network drift with respect to each other. And while the differing center frequencies also means that any

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interferences will also come back, their transitory nature means that they can often be corrected for through signal processing, e.g., through the use of forward error correction (FEC).

In contrast, Schilling discloses a system in which frequency offsets are set to be equal to a chip rate or a multiple of the chip rate. (See, e.g., Schilling, column 2, line 53, through column 3, line 6, and column 3, lines 34-39.) And if the frequency offset is equal to the chip rate, the phases of individual chips in each signal will not drift with respect to each other, but will remain stationary.

This is further supported by FIGs. 2B, 2C, and 2E of Schilling, which show that the peaks of each signal (i.e., different mobiles) are arranged to coincide with the valleys of other signals. This would not be possible if the carrier frequencies for each signal were chosen such that phases of their respective chips drifted with respect each other, as would be required by claims 1 and 13.

In fact, Schilling specifically notes that any frequency offset greater than the chip rate would result in a decrease in efficiency in the use of the spectrum and any frequency offset less than the chip rate would result in an increase in interference between systems and to any other spread spectrum signal desiring to share the spectrum. (See, e.g., Schilling, column 2, line 68, through column 3, line 6.) Thus, Schilling actually teaches away from any frequency offset values that would cause channel drift.

Claims 2 and 12 both depend from claim 1 and are allowable for at least the reasons given above for claim 1. Claims 14, 15, 23, 24, and 27 all ultimately depend from claim 13 and are allowable for at least the reasons given above for claim 13.

In addition, claims 12 and 27 recite that the plurality of wireless networks are ultra-wide bandwidth networks. Nothing in Schilling discloses or suggests this feature.

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The Examiner has asserted that this is shown in column 7, lines 1-14, of Schilling. However, all this cited portion notes is that separate bandwidths of 46 MHz can be used in a three signal system. Nothing in this disclosure gives any hint that the various signals should be ultra-side band signals.

Applicant therefore respectfully requests that the Examiner withdraw the rejection of claims 1, 2, 12-15, 23, 24, and 27 under 35 U.S.C. § 102(b) as being allegedly anticipated by Schilling.

***Claim Rejections – 35 U.S.C. § 103***

The Examiner has rejected claims 3-9 and 16-22 under 35 U.S.C. § 103(a) as being allegedly anticipated by Schilling.

Claims 3-9 all ultimately depend from claim 1 and are allowable for at least the reasons given above for claim 1. Claims 16-22 all ultimately depend from claim 13 and are allowable for at least the reasons given above for claim 13. What Schilling does not disclose, it likewise does not suggest.

Applicant therefore respectfully requests that the Examiner withdraw the rejection of claims 3-9 and 16-22 under 35 U.S.C. § 103(a) as being allegedly anticipated by Schilling.

***Allowable Subject Matter***

The Examiner has objected to claims 10, 11, 25, and 26 as being rejected upon a rejected base claim, but has indicated they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has asserted that claims 1 and 13, from which claims 10, 11, 25, and 26 all ultimately depend, are allowable. Applicant therefore believes that claims 10, 11, 25, and 26 depend from claims that are allowable, and request that this claim objection be withdrawn.

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**Conclusion**

Based on the above amendments and remarks, Applicants respectfully request that the Examiner consider this preliminary amendment, enter the listed claim amendments, consider and examine this application, and issue a Notice of Allowance allowing pending claims 1-27.

Although it is not anticipated that any additional fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

Respectfully Submitted,



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